



# Senate

General Assembly

**File No. 508**

January Session, 2011

Substitute Senate Bill No. 1104

*Senate, April 13, 2011*

The Committee on Education reported through SEN. STILLMAN of the 20th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

## **AN ACT CONCERNING CHARTER SCHOOLS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 10-66dd of the general statutes is  
2 repealed and the following is substituted in lieu thereof (*Effective*  
3 *July 1, 2011*):

4 (b) (1) Subject to the provisions of this subsection and except as may  
5 be waived pursuant to subsection (d) of section 10-66bb, charter  
6 schools shall be subject to all federal and state laws governing public  
7 schools.

8 (2) [At] Subject to the provisions of subdivision (5) of this  
9 subsection, at least one-half of the persons providing instruction or  
10 pupil services in a charter school shall possess the proper certificate  
11 other than (A) a certificate issued pursuant to subdivision (1) of  
12 subsection (c) of section 10-145b, or (B) a temporary certificate issued  
13 pursuant to subsection (c) of section 10-145f on the day the school  
14 begins operation and the remaining persons shall possess a certificate

15 issued pursuant to [said] subdivision (1) of subsection (c) of section 10-  
16 145b or such temporary certificate on such day.

17 (3) The commissioner may not waive the provisions of chapters 163c  
18 and 169 and sections 10-15c, 10-153a to 10-153g, inclusive, 10-153i, 10-  
19 153j, 10-153m and 10-292.

20 (4) The state charter school governing council shall act as a board of  
21 education for purposes of collective bargaining. The school  
22 professionals employed by a local charter school shall be members of  
23 the appropriate bargaining unit for the local or regional school district  
24 in which the local charter school is located and shall be subject to the  
25 same collective bargaining agreement as the school professionals  
26 employed by said district. A majority of those employed or to be  
27 employed in the local charter school and a majority of the members of  
28 the governing council of the local charter school may modify, in  
29 writing, such collective bargaining agreement, consistent with the  
30 terms and conditions of the approved charter, for purposes of  
31 employment in the charter school.

32 (5) (A) (i) For the school year commencing July 1, 2011, and each  
33 school year thereafter, the Commissioner of Education may waive the  
34 requirements of subdivision (2) of this subsection for any person  
35 providing instruction or pupil services in a charter school who does  
36 not hold the initial educator, provisional educator or professional  
37 educator certificate if such person (I) achieves satisfactory scores on the  
38 state reading, writing and mathematics competency examination  
39 prescribed by and administered under the direction of the State Board  
40 of Education, or qualifies for a waiver of such test based on criteria  
41 approved by the State Board of Education, (II) achieves a satisfactory  
42 evaluation on the appropriate State Board of Education approved  
43 subject area assessment, and (III) demonstrates evidence of teacher  
44 effectiveness. The commissioner may reissue such waiver upon the  
45 renewal of the charter for the school at which such person is employed.

46 (ii) For the school year commencing July 1, 2012, and each school  
47 year thereafter, not more than fifteen per cent of the persons providing

48 instruction or pupil services in a charter school may hold a waiver  
 49 issued by the commissioner pursuant to clause (i) of this subparagraph  
 50 for the school year.

51 (B) (i) For the school year commencing July 1, 2011, and each school  
 52 year thereafter, the commissioner may waive the provisions of chapter  
 53 166 relating to professional certification for any administrator of a  
 54 charter school who (I) achieves satisfactory scores on the state reading,  
 55 writing and mathematics competency examination prescribed by and  
 56 administered under the direction of the State Board of Education, or  
 57 qualifies for a waiver of such test based on criteria approved by the  
 58 State Board of Education, (II) achieves a satisfactory evaluation on the  
 59 appropriate State Board of Education approved subject area  
 60 assessment, and (III) demonstrates evidence of effectiveness. The  
 61 commissioner may reissue such waiver upon the renewal of the  
 62 charter for the school at which such administrator is employed.

63 (ii) For the school year commencing July 1, 2012, and each school  
 64 year thereafter, not more than fifteen per cent of the administrators  
 65 employed in a charter school may hold a waiver issued by the  
 66 commissioner pursuant to clause (i) of this subparagraph for the school  
 67 year.

68 (iii) Any person who has received a waiver issued by the  
 69 commissioner pursuant to clause (i) of this subparagraph shall be  
 70 authorized to supervise and conduct performance evaluations of any  
 71 person providing instruction or pupil services in such charter school.

|   |              |            |
|---|--------------|------------|
| This act shall take effect as follows and shall amend the following sections: |              |            |
| Section 1   | July 1, 2011 | 10-66dd(b) |

**ED**            *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

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**OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

**Explanation**

The bill is not anticipated to result in a fiscal impact as the per pupil grant to charter schools will not be impacted, and in order to qualify for the Teachers' Retirement Board, you must be a certified teacher.

The bill makes two changes to certification requirements; 1) it allows the education commissioner, starting in the 2011-2012 school year, to waive state certification for teachers and administrators working at charter schools, if they meet certain qualifications, and 2) it limits the number of charter school teachers and administrators who may hold certification waivers, to no more than 15% of the school's teachers and 15% of the school's administrators, starting in the 2012-2013 school year.

**The Out Years**

**State Impact:** None

**Municipal Impact:** None

**OLR Bill Analysis****sSB 1104****AN ACT CONCERNING CHARTER SCHOOLS.****SUMMARY:**

This bill allows the education commissioner, starting in the 2011-12 school year, to waive state certification for teachers and administrators working at charter schools, if they meet certain qualifications. Starting with the 2012-13 school year, the bill limits the number of charter school teachers and administrators who may hold the waivers to no more than 15% of the school's teachers and 15% of its administrators.

Current law requires all teachers and administrators working in charter schools to hold either (1) the proper state certification for their positions or (2) a temporary 90-day or a temporary nonrenewable state certificate (see BACKGROUND). Under current law, at least half of those providing instruction or pupil services at a charter school must have the proper certification for the positions they hold, and no more than half may be working under the temporary certificates.

EFFECTIVE DATE: July 1, 2011

**CERTIFICATION WAIVERS*****Waiver Qualifications***

The bill allows the education commissioner to waive state certification for a charter school teacher or administrator who:

1. either passes the state reading, writing, and math competency test for teacher certification candidates (currently Praxis I) or meets the State Board of Education's (SBE) criteria for a testing waiver;
2. passes the same state test as a teacher or administrator

certification candidate seeking to work the same subject or administrative area (currently the appropriate Praxis II subject test); and

3. demonstrates effectiveness as a teacher or school administrator, as appropriate.

### ***Waiver Renewals***

The bill allows the commissioner to reissue the certification waivers when the SBE renews the charter for the school where the teacher or administrator is employed. By law, most charters are renewable every five years.

### ***Administrator Supervision Authority***

The bill authorizes an administrator who holds a certification waiver issued by the education commissioner to supervise, and evaluate the performance of, anyone who teaches or provides other pupil services at the charter school where the administrator works, regardless of whether the person being supervised or evaluated is certified.

## **BACKGROUND**

### ***Temporary 90-Day Certificate***

By law, SBE may issue a temporary 90-day teaching certificate at the written request of an employing board of education or charter school to an applicant who successfully completes an SBE-approved alternative route to certification program and who:

1. holds a bachelor's degree from an accredited higher education institution, with a major in or closely related to the subject or certification endorsement area in which the person will be placed, or if the person will be working in a secondary subject or special endorsement area, has either the minimum number of semester hours required for that area or receives a waiver of the requirement after achieving an excellent score on the SBE-designated subject area test;

2. passes the state's required teacher competency and subject area tests;
3. has an undergraduate grade point average (GPA) or, if the person has at least 24 graduate credits a graduate GPA, of at least B; and
4. demonstrates appropriate experience working with children.

The commissioner can waive the last two requirements for good cause.

A person holding a 90-day temporary certificate must complete a special teacher education and mentoring program for such certificate holders. In addition, the employing board or charter school must attest that it has a special plan for supervising the person.

The state board may issue a temporary 90-day certificate in any of the following endorsement areas: elementary education, middle grades education, secondary academic subjects, special subjects or fields, special education, early childhood education, or administration and supervision (CGS § 10-145b(c)(1) & (2); Conn. Agency Regs., § 10-145d-414).

### ***Nonrenewable Temporary Certificate***

SBE may issue a nonrenewable temporary teaching certificate, good for one year, to:

1. an applicant who lived in another state in the year before applying, is certified in that state, taught successfully for at least a year at a public or approved private school there, and meets all requirements for Connecticut certification except passage of the competency and subject tests;
2. an applicant who graduated from an out-of-state teacher preparation program and meets all requirements for Connecticut certification except the competency and subject tests; or

3. an applicant hired by a charter school after July 1 for a teaching position in the coming school year who can reasonably be expected to meet the same requirements listed above for a temporary 90-day certificate by the beginning of the following school year (CGS § 10-145f(c)).

**Charter Schools**

A charter school is a nonsectarian public school organized as a nonprofit corporation and operated independently of a local or regional board of education. The SBE grants and renews the charters, usually for five years and, as part of the charter, may waive certain statutory requirements applicable to other public schools. A charter school may enroll students in pre-kindergarten through grade 12 in accordance with its charter.

Charter schools are open to all students, including special education students, though they may limit the geographic areas from which students may attend. If a school has more applicants than spaces, it must admit students through a lottery.

**COMMITTEE ACTION**

Education Committee

Joint Favorable Substitute

Yea    27    Nay   5    (03/25/2011)